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HOUSE BILL 129

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Joni Marie Gutierrez

AN ACT

RELATING TO TAXATION; EXPANDING THE RURAL HEALTH CARE  
PRACTITIONER TAX CREDIT TO PROVIDE AN INCOME TAX CREDIT FOR  
OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, SOCIAL WORKERS  
AND SPEECH-LANGUAGE PATHOLOGISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-2-18.22 NMSA 1978 (being Laws 2007,  
Chapter 361, Section 2) is amended to read:

"7-2-18.22. TAX CREDIT--RURAL HEALTH CARE PRACTITIONER  
TAX CREDIT.--

A. A taxpayer who files an individual New Mexico  
tax return, who is not a dependent of another individual, who  
is an eligible health care practitioner and who has provided  
health care services in New Mexico in a rural health care  
underserved area in a taxable year, may claim a credit against

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1 the tax liability imposed by the Income Tax Act. The credit  
2 provided in this section may be referred to as the "rural  
3 health care practitioner tax credit".

4 B. The rural health care practitioner tax credit  
5 may be claimed and allowed in an amount that shall not exceed  
6 five thousand dollars (\$5,000) for all eligible physicians,  
7 osteopathic physicians, dentists, clinical psychologists,  
8 podiatrists and optometrists who qualify pursuant to the  
9 provisions of this section, except the credit shall not exceed  
10 three thousand dollars (\$3,000) for all eligible dental  
11 hygienists, physician assistants, certified nurse-midwives,  
12 certified registered nurse anesthetists, certified nurse  
13 practitioners, ~~and~~ clinical nurse specialists, occupational  
14 therapists, physical therapists, social workers and speech-  
15 language pathologists.

16 C. To qualify for the rural health care  
17 practitioner tax credit, an eligible health care practitioner  
18 shall have provided health care during a taxable year for at  
19 least two thousand eighty hours at a practice site located in  
20 an approved, rural health care underserved area. An eligible  
21 rural health care practitioner who provided health care  
22 services for at least one thousand forty hours but less than  
23 two thousand eighty hours at a practice site located in an  
24 approved rural health care underserved area during a taxable  
25 year is eligible for one-half of the credit amount.

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1           D. Before an eligible health care practitioner may  
2 claim the rural health care practitioner tax credit, the  
3 practitioner shall submit an application to the department of  
4 health that describes the practitioner's clinical practice and  
5 contains additional information that the department of health  
6 may require. The department of health shall determine whether  
7 an eligible health care practitioner qualifies for the rural  
8 health care practitioner tax credit and shall issue a  
9 certificate to each qualifying eligible health care  
10 practitioner. The department of health shall provide the  
11 taxation and revenue department appropriate information for all  
12 eligible health care practitioners to whom certificates are  
13 issued.

14           E. A taxpayer claiming the credit provided by this  
15 section shall submit a copy of the certificate issued by the  
16 department of health with the taxpayer's New Mexico income tax  
17 return for the taxable year. If the amount of the credit  
18 claimed exceeds a taxpayer's tax liability for the taxable year  
19 in which the credit is being claimed, the excess may be carried  
20 forward for three consecutive taxable years.

21           F. As used in this section:

22                   (1) "eligible health care practitioner" means:

23                           (a) a certified nurse-midwife licensed  
24 by the board of nursing as a registered nurse and licensed by  
25 the public health division of the department of health to

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1 practice nurse-midwifery as a certified nurse-midwife;

2 (b) a dentist or dental hygienist  
3 licensed pursuant to the Dental Health Care Act;

4 (c) an occupational therapist licensed  
5 pursuant to the Occupational Therapy Act and whose license is  
6 not on inactive status during the taxable year;

7 [~~e~~] (d) an optometrist licensed  
8 pursuant to the provisions of the Optometry Act;

9 [~~d~~] (e) an osteopathic physician  
10 licensed pursuant to the provisions of Chapter 61, Article 10  
11 NMSA 1978 or an osteopathic physician assistant licensed  
12 pursuant to the provisions of the Osteopathic Physicians'  
13 Assistants Act;

14 (f) a physical therapist licensed  
15 pursuant to the Physical Therapy Act;

16 [~~e~~] (g) a physician or physician  
17 assistant licensed pursuant to the provisions of Chapter 61,  
18 Article 6 NMSA 1978;

19 [~~f~~] (h) a podiatrist licensed pursuant  
20 to the provisions of the Podiatry Act;

21 [~~g~~] (i) a clinical psychologist  
22 licensed pursuant to the provisions of the Professional  
23 Psychologist Act; [and

24 ~~(h)~~ (j) a registered nurse in advanced  
25 practice who has been prepared through additional formal

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1 education as provided in Sections 61-3-23.2 through 61-3-23.4  
2 NMSA 1978 to function beyond the scope of practice of  
3 professional registered nursing, including certified nurse  
4 practitioners, certified registered nurse anesthetists and  
5 clinical nurse specialists;

6 (k) a social worker licensed pursuant to  
7 the Social Work Practice Act; and

8 (l) a speech-language pathologist  
9 licensed pursuant to the Speech-Language Pathology, Audiology  
10 and Hearing Aid Dispensing Practices Act;

11 (2) "health care underserved area" means a  
12 geographic area or practice location in which it has been  
13 determined by the department of health, through the use of  
14 indices and other standards set by the department of health,  
15 that sufficient health care services are not being provided;

16 (3) "practice site" means a private practice,  
17 public health clinic, hospital, public or private nonprofit  
18 primary care clinic or other health care service location in a  
19 health care underserved area; and

20 (4) "rural" means an area or location  
21 identified by the department of health as falling outside of an  
22 urban area."

23 Section 2. APPLICABILITY.--The provisions of this act are  
24 applicable to tax years beginning on or after January 1, 2010.

25 Section 3. EFFECTIVE DATE.--The effective date of the

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provisions of this act is January 1, 2010.

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